

Referral Union Rules  
Stakeholder Meeting – Vancouver  
June 5, 2001

Attendees:

Mike Bridges, Pacific NW Regional Council of Carpenters  
Nate Drake, Pacific NW Regional Council of Carpenters  
Nelda Wilson, Operating Engineers Local 701  
Deanna Robles, Operating Engineers Local 701  
Don Bosch, Sheet Metal Workers Local 16  
John Morrish, NECA  
Paddy Barry, Ironworkers Local 29  
Bill Regan, Painters  
Debbie Town, Painters/Drywall Local 360  
Dan Sexton, Washington State Assn. of Plumbers  
Clif Davis, IBEW Local 48  
Luigi Serio, IBEW Local 48  
William “Wally” Mehrens, Columbia Pacific Building Trades AFL-CIO

Staff:

Howard Nanto  
Cheryl Metcalf  
Juanita Myers

Meeting Summary

Meeting convened at 1:08 p.m.

Staff provided an overview of the process. Our intent in rule-making is to clarify existing law, not make new law. We do not intend to interfere with the operation of hiring halls.

Questions/Comments:

(Union member) Some unions are not a “hiring hall”, but a “referral hall” only. Employers make the decision as to who gets hired. They can “spin” a person by refusing to hire them and send them back to hall. Union member is not reimbursed for his/her time and travel expenses in showing up to employer. If person is spun often enough by an employer, doesn’t bother to go back eventually. Or, the employer can note “no rehire” when this individual is laid off, so pointless for this individual to go back out when the employer has more work later. Thinks these examples should be considered “good cause.”

Q: If program already working well, what difference will these rules make?

A: The issue is that the policy is not binding on anyone other than the department. Courts will make their own interpretation of what the law requires in the absence of regulations.

Q: Unions and employers work out collective bargaining agreements. Could this issue be resolved through that mechanism?

A: No; cannot bargain eligibility for UI. Determined on case by case basis, depending on individual's circumstances.

Q: Will the rules give the employer the opportunity to look at the union's books?

A: Nothing being proposed would give the employer the right to review the union's books.

(Employer) His organization is fighting abuse of the referral hall system. It is up to the employer to question the workers' availability for work. When person drawing benefits and positions going unfilled, there is a question as to where that person was if not at the hiring hall looking for work. Their argument is not with the unions but with the department and what they do with the information the employer furnishes.

(Union member) Department used to have claimants fill out a union referral slip and the dispatcher would sign it and send it in. Things currently in system could work.

(Union member) As a dispatcher, her job is to get people to work, and also to fill the contractor's jobs. Can't operate if they are letting jobs go unfilled while people sit around drawing UI.

Q: If a person is unavailable for a few days of the week, how would that be treated?

A: Explained 1/7, 2/7 deductions. Entire week denied if unavailable three or more days. Availability is a week to week denial.

Q: What happens with job refusals?

A: If individual refused suitable work without good cause, would be denied benefits for seven weeks and until earned seven times weekly benefit amount.

(Employer) They don't challenge a person's eligibility for benefits without basis. They are not questioning those that are doing what is required of them.

Q: Example—union member based in Portland, goes to Seattle for a job, then is terminated. His normal labor market is Oregon. What happens if employer complains because not looking for work in Seattle?

A: There is a potential issue, but the claimant can demonstrate that his labor market is Portland.

(Union member) Recommends we limit rule to work refusals by affected employers. The employer complaining should have a job available for the worker. If we spread this to employers who don't even have jobs, this is a big problem.

(Union member) Has problems with employers who lay someone off and it is actually a termination. They don't want the person back. Then they use "availability" to challenge the person's eligibility for UI.

(Union member) Don't try to write a specific regulation to address a few abusers. Could impact those not abusing system.

(Union member) When eligibility questioned, call the hiring hall for the information. Department is missing a step if they don't contact the hall. Can check for any date, whether individual in good standing. Don't have an issue with doing this.

Adjourned 3:00 p.m.